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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,730	03/28/2001	Tsuyoshi Yokota	81754.0057	5468

26021 7590 12/30/2004  
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EXAMINER

ZEENDER, FLORIAN M

ART UNIT PAPER NUMBER

3627

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/821,730

Applicant(s)

YOKOTA ET AL.

Examiner

F. Ryan Zeender

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-46 is/are pending in the application.
- 4a) Of the above claim(s) 23-46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-22 is/are rejected.
- 7) ☒ Claim(s) 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/22/03; 12/18/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of Invention I and Species I in the reply filed on 10/5/2004 is acknowledged. Claims 1-5 and 7-22 are readable on the inventions. Claims 23-46 are withdrawn from consideration as being directed to nonelected inventions. Claim 6 was cancelled in the correspondence received 1/29/2002.

### ***Claim Objections***

Claim 22 is objected to because of the following informalities: It does not further limit claim 15. It appears the claim should have been dependent on claim 21. Appropriate correction is required.

*For the purposes of this action, it will be assumed that claim 22 is dependent on claim 21.*

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5 and 7-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 4, "the latest inventory list" lacks antecedent basis. In each of claims 7 and 18, "the part" lacks antecedent basis. In claim 8, "the equivalent parts" lacks antecedent basis. In claim 12, line 6, the terminology, "confirmation" lacks proper antecedent basis. In claim 12, line 8, the language, "the order priority information

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indicative of shipment order priority" lacks antecedent basis. In claim 16, line 7, the terminology, "confirmation" lacks proper antecedent basis. In claim 17, lines 4-5, the language, "the order priority information indicative of order shipment priority" lacks antecedent basis.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 7-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy et al.

Kennedy et al. disclose an order allocation management method comprising: creating a parts order list (i.e., customer specific product request; See for example Col. 2, lines 38-52) after allocating parts existing in an inventory list (i.e., specific/generic product models) based on order information; the parts order list adapted to refer each part listed on a latest inventory list (i.e., "available-to-promise" products) for order priority information indicating shipment order priority (See for example Col. 4, lines 33-36).

Kennedy et al. lack the specific teaching of confirming the order and creating a confirmed parts list reallocating the parts having the highest priority.

It would have been an obvious design choice to one of ordinary skill in the art at the time of the invention to modify Kennedy et al. to confirm the order and create a

reallocated confirmed parts list as it is well known in business to have confirmations in order to ensure that the customer has in fact made a request to thereby eliminate needless work by a manufacturer/seller.

Re claim 2: Kennedy et al. teach that it is well known to prioritize based on time of purchase (i.e., "first-come-first-served"; See for example Col. 7, lines 44+).

Re claim 3: Kennedy et al. teach that it is well known to prioritize based on price (See for example Col. 4, lines 57-62).

Re claim 4: This is an obvious limitation in that it is obvious that constructing a part is a priority. For example, an automobile manufacturer cannot sell a car if the manufacturer is waiting for wheels to be constructed.

Re claims 7 and 18: Kennedy et al. teach "equivalent parts" (i.e., generic products; See Col. 2, lines 42-52). The obvious design choice rejection above applies to this claim as well.

Re claims 8 and 19: This limitation would have been obvious to one of ordinary skill in the art at the time of the invention in order to know what parts need to be added to the inventory list (i.e., purchased) in order to ship the part.

Re claims 9-11, 13-15, and 20-22: These limitations are obvious design choices in how to allocate parts with the highest order priority.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (703) 308-8351. The examiner can normally be reached on Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached on (703) 308-5183. The receptionist's phone number for the Technology center is (703) 308-1113.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

F. Zeender  
Primary Examiner, A.U. 3627  
December 23, 2004

  
F. RYAN ZEENDER  
PRIMARY EXAMINER  
12/23/04